

NAWCWDINST 12335.1
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NAWCWD INSTRUCTION 12335.1

From: Commander, Naval Air Warfare Center Weapons Division

Subj: MERIT PROMOTION PROGRAM

Ref: (a) 5 CFR Part 335
(b) 5 CFR Part 351
(c) Priority Placement Program (PPP) Operating Manual
(d) HRSC-SW-OP-12335.2

1. Purpose. To provide Merit Promotion Program policies and procedures for the Naval Air Warfare Center Weapons Division (NAWCWD) according to Federal, Department of Defense (DOD), and Navy regulations as presented in references (a) through (d).

2. Cancellation. NAWCWPNSINST 12335.1.

3. Policy. The NAWCWD policy is to fill vacant positions with the best available applicants. Merit promotion is only one way of filling vacancies. Other processes may be used in place of, or concurrently with, merit promotion.

4. Scope. This instruction applies to all NAWCWD Demonstration Project and Non-Demonstration Project positions in the competitive service and certain positions that are in the excepted service due to appointing authority (Veterans Readjustment Appointment (VRA), handicapped, etc.) Applicable collective bargaining agreements will prevail for positions and employees within the bargaining units in the event of a conflict with provisions of this instruction.

5. Goals

a. To provide a means for NAWCWD to meet its staffing needs in a timely and cost-effective manner.

b. To enhance organizational effectiveness by ensuring that competitive actions are made by selecting the candidates who are most qualified and capable of performing the duties of the position being filled.

c. To provide incentives for employees to improve their performance, knowledge, skills, and abilities.

11 Jun 2002

d. To ensure that employees receive fair and appropriate consideration for advancement and developmental opportunities.

e. To ensure that promotions are made only when there is an actual need for performance of higher level duties and only when the employee has the ability to perform at the higher level.

6. Definitions. Terms used in this instruction are defined as follows:

a. Activity. The NAWCWD, including any of its sites or subordinate commands and detachments.

b. Agency. Any department or independent establishment of the Federal Government. For the purposes of this instruction, Department of Navy (DON) is considered the Agency.

c. Area of Consideration (AOC). The geographic or organizational area in which the activity directs its search for candidates (where it is anticipated that a sufficient number of qualified candidates can be located and from which candidates' applications will be accepted). If the AOC allows for the acceptance of applications from outside of DOD, non-appropriated fund (NAF) employees, who meet the criteria of the Interchange Agreement of 20 September 1991, will have their applications accepted for consideration.

d. Certificate of Eligibles. A list of eligible, ranked applicants in alphabetical order who applied in response to a specific Merit Promotion vacancy announcement and are referred to management for selection.

e. Change to Lower Grade (CLG). The change of an employee to a position at a lower grade when both the old and the new are under the same pay plan, or to a position with a lower representative rate when the old and new positions are under different pay plans.

f. Crediting Plan. A plan containing specific job elements against which an applicant's knowledge, skills, and abilities (KSA) can be measured. Each element includes definitions and point value to identify the relative worth of different kinds of experience and training.

g. Detail. A temporary assignment of an employee to a different position or set of described duties for a specified time period with no change of pay.

h. Evaluation of Applicants. The process of assessing applicants' qualifications for a vacancy and the degree to which they possess the job-related qualifications needed for successful performance in the job to be filled.

i. Interchange Agreement. An agreement established between Office of Personnel Management (OPM) and DOD as a part of the Portability legislation signed 5 November 1990, allowing NAF employees who meet the requirements of the Interchange Agreement to be

appointed to positions in the federal competitive service without having to go through the usual process of getting on an appropriate federal register.

j. Job Related Qualifications. Criteria used to assess the applicants' qualifications for a vacancy. Criteria may include the KSA's Defense Acquisition Workforce Improvement Act requirements, and/or demo descriptors.

k. Known Promotion Potential. Positions with known promotion potential are those from which subsequent promotions can be made without competition. These include:

(1) Positions filled at a grade(s) below the established or anticipated full performance (grade) level

(2) Career ladder positions

(3) Trainee positions

l. Promotion. The change of an employee to a position at a higher grade within the same pay plan, or to a position with a higher representative rate when the old and new positions are under different pay plans.

m. Nepotism. Inappropriate favoritism shown to an individual (such as in the selection/appointing to a position) on the basis of a family relationship.

n. Reassignment. The change of an employee from one position to another without promotion or CLG within an activity or agency.

o. Representative Rate. Fourth step of a grade in the General Schedule and second step of a grade in the Federal Wage System. There is no concept of representative rate in the Demonstration Project.

p. Selecting Official. The designated official who has the authority to make the final selection.

q. Transfer. The movement of a career or career-conditional employee between competitive positions from one federal agency to another without a break in service.

7. General Provisions

a. The identification, qualification, evaluation, and selection of candidates is made without regard to political, religious, or labor organization affiliation or non-affiliation, sexual orientation, marital status, race, color, sex, national origin, religion, non-disqualifying physical handicap, or age; and is not based on any criterion that is not job-related or that is based on reprisal.

b. Supervisors and public officials are defined in reference (a) and are prohibited from participating in the rating/ranking or selection process if a relative is under consideration. Neither supervisors nor public officials can advocate the selection of a relative.

(1) Advocating would also include the referral of an application of a relative for consideration for employment, promotion, etc.

(2) If a relative of the selecting official is among the candidates referred for selection, the selecting official must disqualify him/herself and the selection authority must be exercised at a higher level in the chain of command.

(3) If a panel is used, all members of the panel are considered to be officials; even they may not occupy supervisory positions.

c. Management reserves the right to fill a position by other methods that can be used concurrently with or to the exclusion of the merit promotion process: OPM registers; the Re-employment Priority List; DOD Priority Placement Program (PPP); noncompetitive candidates; VRA or handicapped authorities, etc.

d. Vacancies can be postponed, cancelled, increased, or filled on a temporary basis to meet an activity's needs, provided merit principles are met.

e. All actions are subject to the mandatory provisions of the DOD Program for Stability of Civilian Employment, more commonly known as PPP or Stopper List.

f. Positions for which DOD or DON have established career programs are filled according to the procedures and requirements specified in the applicable career program instructions.

8. Covered Actions. The competitive procedures established by this instruction apply to the following placement actions:

a. Promotion or transfer to a higher graded position than currently or previously held (unless covered by exclusions – see paragraph 9).

b. Position change, transfer, or reinstatement to a position with more promotion potential than one previously held on a permanent basis in the competitive service.

c. Reinstatement to a higher grade than any attained under a non-temporary appointment in the competitive service, except for the reinstatement of a former Senior Executive Service employee.

d. Temporary promotion of more than 120 days (prior service under all temporary promotions and details to higher graded positions during the previous 12 months count toward this limitation).

e. Selection for details for more than 120 days to either a higher graded position or to a position with higher known promotion potential.

f. Term promotions.

g. Selection for training required for promotion.

h. Selection of a person from the Re-employment Priority List for a position at a higher grade than from which separated.

i. Reassignment or demotion to a position with known promotion potential (except as permitted by Reduction In Force (RIF) regulations).

9. Exclusions. The following actions are excluded from the competitive requirements of this instruction:

a. Promotions resulting from the upgrading of a position without a significant change in the duties and responsibilities due to the issuance of new classification standards or the correction of an initial classification error.

b. Position change permitted by RIF regulations (this includes assignment to a position with more promotion potential).

c. Promotion of an employee whose position is classified at a higher grade level due to the addition of duties when major duties of the employee's old position are absorbed in the new position and the former position is cancelled. Additionally, the new position has no known promotion potential and the additional duties do not adversely affect another encumbered position.

d. Temporary promotion of not more than 120 days or, if exceeding 120 days, to a grade level previously held on a permanent basis (except when demoted for cause).

e. Details of not more than 120 days to higher graded positions or to positions with higher promotion potential.

f. Selection of an employee who is entitled to prior consideration (see paragraph 11).

g. Appointment of a reinstatement eligible or promotion of a federal employee to any position or grade for which qualified and that does not exceed the highest grade level previously held on a permanent basis in the competitive service (except when demoted for cause).

h. Technical promotion of an employee to a position with a representative rate that is the same or lower than that of the position currently held.

11 Jun 2002

i. Career promotion of employees when competition was held at an earlier date either through appointment from an OPM/delegation of authority register or through merit promotion procedures (including initial appointment and subsequent promotions of students in cooperative education programs). Successive noncompetitive promotions can be made until the full performance level of the position is reached.

j. Placement in lieu of disability retirement.

k. Reinstatement of a former Senior Executive Service appointee with competitive status to any position for which qualified.

10. Prior Consideration. Except for placement of employees with statutory or regulatory reemployment rights, employees who are entitled to prior consideration for placement must be referred before action can be taken to fill a permanent position either competitively or non-competitively. Employees referred under these provisions are entitled to bona fide consideration before other equally proper means of recruitment are initiated. First consideration will be given to employees in the job search database who are identified as a mandatory placement eligible. The order of consideration after the mandatory placement eligibles will be as follows:

a. Activity employees under Civil Service Reform Act grade retention, demonstration project employees on pay retention, and voluntary placement eligible employees in the job search database.

b. Employees who did not receive proper consideration for a prior promotion action due to procedural, regulatory, or program violation.

(1) These employees are entitled to consideration for the next appropriate vacancy for a period not to exceed one year, on selection, or when referred for a bona fide consideration, whichever occurs first; or

(2) Entitlement to prior consideration is established by reconstruction of the promotion action in question to determine whether the employee was afforded proper consideration during the merit promotion process. For example, if the employee was rated eligible and not properly referred on a Merit Certificate of Eligibles, the employee may be entitled to prior consideration; or

(3) An appropriate vacancy is a similar type of position in the same activity and same pay system as the position for which the employee failed to receive proper consideration; one for which the employee would be eligible for and one at the same grade pay level with no higher potential than the position for which consideration was lost.

c. Department of Defense Priority Placement Program Registrants in Priority Groups 1, 2, and 3. Procedures, policies, and guidelines provided in reference (c) apply to the registration and referral of these registrants.

11. Procedures

a. Determining the Area of Consideration (AOC).

(1) The minimum AOC when filling vacancies under this instruction will be by site. However, any AOC established must be in compliance with career and other special program requirements; be broad enough to ensure availability of highly qualified candidates but also narrow enough to avoid an excessive number of applicants; and provide for the successful accomplishment of Affirmative Employment Program goals.

(2) Consideration will be given to activity employees within the AOC who are absent due to military furlough or entitled to statutory restoration rights.

(3) Exceptions to the minimum AOC can be granted during hiring freezes or when other hiring restrictions are imposed. Approval to reduce the AOC rests with Level 1 Competency Managers with concurrence of appropriate union officials if advertising a bargaining unit position.

b. Vacancy Announcements. Vacancies will be processed through the Human Resources Service Center – Southwest (HRSC-SW). Cut-off dates for announcements are determined by the date of receipt of the recruitment request in HRSC-SW or as established by management.

c. Applicant Evaluation and Referral Methods. Applicants will be evaluated on basic eligibility requirements (including information in the job description or demo level descriptors, and Defense Acquisition Workforce Improvement Act elements) at the HRSC-SW. Qualified applicants are further evaluated using a ranking process or meeting a quality ranking factor to identify the "high qualified" applicants.

d. Interviewing and Selection. The selecting official should promptly review any re-promotion eligibles. Promotional candidates may be interviewed, if desired. Interviews may be conducted with all, some, or none of the promotional candidates. All interview notes and/or selection documentation should be retained by the selecting official. Selections should be made in a timely manner. The selecting official may opt to use a panel for interviewing.

(1) Each selecting official must be aware of and adhere to principles of Equal Employment Opportunity (EEO) including the NAWCWD Affirmative Employment Program which identifies areas of under representation and must ensure that both evaluation and selection procedures conform to EEO guidelines. When filling supervisory or managerial positions, selecting officials must give consideration to candidates' demonstrated support to the EEO Program.

(2) The life cycle of a Certificate of Eligibles is three weeks. An extension may be requested from the HRSC-SW and will be granted on a case-by-case basis.

(3) Official job offers are made only by the HRSC-SW.

12. Disclosure of Merit Promotion Information. Disclosure of information is according to provisions of the Privacy and Freedom of Information Acts.

13. Recordkeeping. The records pertaining to selection made under the merit promotion process will be maintained by HRSC-SW.

14. Grievances/EEO Complaints. Employees have the right to file a grievance relating to an action covered by this instruction. However, non-selection from a group of properly evaluated and referred applicants is not grievable. Grievances are filed and processed following the appropriate grievance procedures. If an employee believes that he/she has been discriminated against, he/she must contact an EEO counselor within 45 calendar days of the date they became aware of the alleged discrimination to initiate an informal EEO complaint.

15. Responsibilities

a. The Commander, NAWCWD, has the overall responsibility of establishing and operating a sound merit promotion program within NAWCWD per OPM, DOD, and DON policies.

b. Managers/supervisors are accountable for the end result; e.g., fair and equitable treatment of promotion candidates without regard to non-merit factors, fair and open competition, and selection based on job-related criteria. In exercising this responsibility, managers will comply with the provisions of this instruction.

c. Evaluation of candidates and selection of panel members will comply with the provisions of this instruction.

d. The Human Resources Department and HRSC-SW will provide advice and staff support to managers in accomplishing their responsibilities. This will include coordinating, developing, and administering this instruction and establishing and maintaining a system to identify and refer employees entitled to prior consideration.

e. Employees are responsible for keeping informed of the provisions of the Merit Promotion Instruction, promotion opportunities and for completing and submitting resumes according to HRSC-SW Operating Instructions.

16. Directive Responsibility. The Head, Human Resources Department, Code 730000D, is responsible for keeping this instruction current.

NAWCWDINST 12335.1
11 Jun 2002

/s/
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